

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE TERMINIX INTERNATIONAL  
COMPANY LIMITED PARTNERSHIP,

Plaintiff,

v.

DANIEL NOEL SU,

Defendant.

Case No. 19-cv-01648-PJH

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER  
TO SHOW CAUSE WHY  
PRELIMINARY INJUNCTION SHOULD  
NOT ISSUE**

Re: Dkt. Nos. 10

Pursuant to stipulation and Federal Rule of Civil Procedure 65 and Northern District of California Local Rules 7-1, 7-2, 7-10, and 65-1, plaintiff The Terminix International Company Limited Partnership's ("Terminix" or "plaintiff") motion for temporary restraining order and order to show cause why a preliminary injunction should not issue against defendant Daniel Noel Su ("Su" or "defendant") came before this court for consideration on April 10, 2019. Upon consideration of the application, and for good cause shown:

IT IS HEREBY ORDERED as follows:

1. Plaintiff has demonstrated a substantial likelihood of success on the merits of its claims against defendant for violation of the Defend Trade Secrets Act of 2016 and California Uniform Trade Secrets Act based on his alleged acquisition of plaintiff's trade secrets in violation of plaintiff's policies. The court finds that plaintiff has demonstrated that, without an order from the court, it will suffer irreparable harm and that the balance of hardships strongly favors plaintiff. Accordingly, the court finds that a temporary restraining order and order to show cause why a preliminary injunction should not issue

1 are in the public interest:

2 2. The court HEREBY TEMPORARILY RESTRAINS, ENJOINS, AND  
3 ORDERS defendant as follows:

4 (a) Defendant Su shall be enjoined from possessing, using, or disclosing any  
5 of the materials taken from plaintiff Terminix's system, and any other of plaintiff  
6 Terminix's property that came into his possession via external hard drive download, e-  
7 mail attachment, or other medium;

8 (b) Plaintiff Terminix shall be entitled to immediately conduct all discovery to  
9 ascertain the nature and extent of defendant Su's misappropriation;

10 (c) Defendant Su shall return to plaintiff Terminix any and all of plaintiff  
11 Terminix's property and trade secrets, including anything obtained by defendant Su from  
12 Terminix at any time and is ordered to do and provide an accounting of same by no later  
13 than 30 days from the date of this order;

14 (d) Upon the return of all property and accounting as ordered hereinabove,  
15 defendant Su is required to provide a written acknowledgment confirming that he has  
16 returned all of plaintiff Terminix's property and trade secrets, including all of the data and  
17 confidential information on plaintiff Terminix's clients;

18 (e) The court orders an inspection of defendant Su's personal and work email,  
19 servers, hard drives, computer(s), mobile devices, PDAs, USB drives, solid state flash  
20 drives, flash drives, cloud storage locations, and other electronic equipment or databases  
21 maintained by defendant Su, by a neutral forensic expert mutually agreed upon by the  
22 parties and at defendant Su's sole expense to ascertain whether any of plaintiff  
23 Terminix's trade secrets, including its customer data, exists on such devices;

24 (f) Defendant Su is prohibited from destroying, altering, transmitting, or moving  
25 any documents, in whatever form, that may contain or reflect any of plaintiff Terminix's  
26 trade secrets; and

27 (g) The court orders defendant Su to show cause why a preliminary injunction  
28 should not issue concerning the above, a hearing upon which shall be conducted on July


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31, 2019, at 9:00 a.m., in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California. Plaintiff's motion and supporting papers shall be filed no later than June 26, 2019. The date by which defendant shall file papers in response shall be July 10, 2019. Plaintiff's reply, if any, shall be filed no later than July 17, 2019.

3. No security bond is required in this matter.

**IT IS SO ORDERED.**

Dated: April 10, 2019

  
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PHYLLIS J. HAMILTON  
United States District Judge